

Appn. 10/081,034
Office Action dated September 5, 2003
Response dated April 26, 2004

REMARKS/ARGUMENTS

The Office Action of April 5, 2004 is noted. In view that the previous amendment was not deemed fully responsive, it is believed not to have been entered.

Claims 1-24 were withdrawn from consideration, but are now cancelled. Claim 28 is canceled. Claims 25-27 and 29-40 are pending. Claims 32-40 are newly added.

Claims 25-27, 29-31 have been amended.

Claim 25 was amended with subject matter from original claim 26 concerning applying to the wood veneer chemical agents resistant to fire. Claim 25 was further revised based on Figs. 1, 3, and 4 that show strips of waste or recycled material being arranged side by side. New claim 32 is based on subject matter of paragraph [0007]. New claim 33 is based on paragraph [0011], new claim 34 is based on canceled claim 22, new claims 35 and 36 are based on canceled claim 23, new claim 37 is based on Fig. 4, new claim 38 is based on Fig. 3, and new claims 39 and 40 are based on cancelled claim 14 and on paragraph [0019] and the last line of paragraph [0026].

Claims 25 and 28 were rejected under 35 USC 102(b) as being anticipated by Gobidas. Claims 25, 27 and 28 are rejected under 35 USC 102(b) as being anticipated by Funger. Claim 26 is rejected under 35 USC 103(a) as being unpatentable over any of Gobidas, Zvi or Funger in view of Sing. Claims 29-31 are rejected under 35 USC 103(a) over any of Gobidas, Zvi or Funger et al. in view of Norman.

These rejections are traversed in view of the present amendment.

Claim 25 recites that the multi-composite layer have waste or recycled strips arranged side by side. Such is evident from Figs. 1, 3, and 4. The advantage of using

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strips (in the plural sense) as opposed to a single web layer is that the preprocessing steps required to form a web layer are eliminated. As best seen in Fig. 5, individual "strips" may be dispensed directly onto a face of the wood veneer to be subsequently sandwiched. Such also enables customization of the assembly process to suit customer's needs, because there is no need to preform the waste or recycled material layer to specific dimensions.

Gobidas pertains to a drapery rod that clearly lacks strips arranged side by side in contrast to claim 25. Instead, it has a substrate 14 to which is attached veneer 18. Gobidas therefore does not anticipate claim 25.

Funger et al. calls for, with respect to Fig. 7, "middle layer 17 of the shredded carpet material and binders is spread" (col. 9 lines 65-67) and for, with respect to Fig. 8, "three thin panels 14 according to Figs. 4 and 5" (col. 10 lines 19-20). Figs. 4 and 5 identify panel 14 as "taken from the panel web 4" (col. 8 lines 55-56) whose "starting material is compressed in the double-band press 30 of Fig. 3" (col. 8 lines 33-34). None of these constitute "sandwiched strips arranged side by side" in contrast to the recitation of claim 25. In contrast, claim 25 calls for the waste or recycled material be in strips arranged side by side and thus Funger et al. does not anticipate claim 25.

Zvi et al. shows a panel having a layer of plastic pieces 200, but they are neither "strips" nor arranged side by side in contrast to claim 25. According to Zvi et al., RF radiation is applied to soften both the outer surfaces of the plastic pieces 200 and the inner surfaces of the two plastic sheets 202 and 206 (col. 4 lines 30-32). Such a unitary composite is not the same as the recited "strips arranged side by side" in

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contrast to claim 25. The replacement with metal foil or thin wood layer instead of plastic (col. 4 lines 40-42) would still not yield "strips arranged side by side" in contrast to the recitation of claim 25. Thus, claim 25 is not anticipated by Zvi et al.

In addition, claim 1 now recites that chemical agents be applied to the wood veneer that are resistant to damage from fire. The Examiner concedes that neither Gobidas, Funger et al. nor Zvi et al. reveal such a concept and thus turns to Sing.

Sing shows veneer hollow wooden tubes 14 arranged side by side, but fails to reveal strips of waste or recycled material sandwiched between wood veneer. Thus, it fails to make up for the deficiencies of Gobidas, Zvi et al. or Funger et al. as concerns strips arranged side by side and thus fails to render obvious claim 25.

It would not be obvious to apply Sing's teaching concerning treating veneer sheets with resistance to fire, moisture, decay and insect attack to the constructions of Gobidas, Zvi et al. or Funger et al. because of their different purposes. According to Sing, its teaching applies to construction building materials for flooring, walls, posts, columns, beams, joists, trusses, arches, etc. A person of ordinary skill in drapery rod manufacture as in Gobidas, would have no reason to turn to the art of construction building materials as in Sing so as to apply veneer with Sing's resistance. A person of ordinary skill in the art of producing plastic products as in Zvi et al. likewise has no reason to turn to the art of construction building materials as in Sing so as to apply veneer with Sing's resistance. A person of ordinary skill in the art of disposal of used carpets as in Funger et al. likewise has no reason to turn to the art of construction building materials as in Sing so as to apply veneer with Sing's resistance.

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In view that Sing is non-analogous art to that of Gobdias, Zvi et al. and Funger et al., as evidenced by their different art classifications, it would not be obvious to modify as envisioned by the patent examiner.

The remaining claims are distinguishable over the citations at least for the same reasons that claim 25 is distinguishable.

Claim 27 distinguishes over Zvi et al., Gobdias and Sing for the additional reason that the recited additional layers distinguish, i.e., the prior art lacks "strips" of recycled or waste material side by side and being sandwiched between two wood veneer layers. While Fig. 8 of Funger et al. shows a panel with seven layers, with pairs of wood veneer panels sandwiching carpet material panel 14, it fails to provide for multiple layers of strips of waste or recycled material arranged side by side and thus does not render obvious claim 27.

Norman reveals a tubular core partition panel having resilient tubular members arranged side by side, but the face sheets 5, 6 are made from aluminum, steel, hardboard, gypsum board (col. 2 lines 18-20). Thus, in contrast to claim 25, Norman fails to provide for wood veneer and thus lacks the aesthetic benefits and properties that are derived from wood veneer and also fails to add chemical agents to wood veneer to resist damage from fire. Thus, all the claims are distinguishable over Norman.

In further contrast to claim 27, Norman's stacking arrangement in fig. 4 shows each three constituent panel being a distinct assembly (tubular member sandwiched by two face sheets), as opposed to removing one of the face sheets to allow the tubing

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member from another stacked panel to be joined to the face sheet of the underlying panel directly. Thus, the construction technique differs from that of claim 27.

It would not be obvious to modify Gobidas, Funger et al. or Zvi et al. by Norman because Norman constitutes non-analogous art to that of Gobidas, Funger et al. and Zvi et al. as evidenced by the different art classification. Norman's panels are intended for the placement of electrical conduits, plumbing lines and the like in building construction materials (col. 1 lines 12-24). Neither Gobidas, Funger et al. nor Zvi et al. pertain to such building construction materials so there is no motivation or incentive to consider such a modification.

Indeed, modifying Gobidas, Funger et al. or Zvi et al. by Norman would be contrary to their teachings and frustrate their stated purposes.

As concerns Gobidas, its drapery rod has a substrate 14 whose shape includes mounting grooves 26, 28, 30, 32 and a slot 44 so that replacing the substrate with hollow tubes of Norman would frustrate Gobidas' needs in its drapery rods for configurations of mounting grooves 26, 28, 30, 32 and a slot 44. To the extent that being hollow saves on material, Gobidas in Figs. 4 and 5 already shows cross-sections that are hollow so nothing in that respect would be gained in turning to Norman. It is not at all clear how multiple, side by side hollow tubes would be incorporated internally into Gobidas's drapery rods of Figs. 6 and 7 based on Norman's panel construction. Even if they were incorporated, Norman teaches that the tubes be deformed into an out-of-round shape, which would likewise deform any mounting grooves configurations

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necessary for drapery rods according to Gobidas. Certainly such a modification is not of a type that is obvious to a person of ordinary skill in the art of drapery rods.

As concerns Funger et al., its clear intention is to use as much used carpet material as possible to tackle the excess used carpet waste problem (col. 1 lines 19-23). Thus, replacing Funger et al.'s used carpet material with Norman's tubes made from plastic, paper, asbestos, bagasse, fibreboard and the like (Norman at col. 2 lines 25-26) would be contrary to Funger et al.'s intention to use used carpet. It is not at all evident from either Norman or Funger et al. how a skilled artisan transforms used carpet waste material of Funger et al. into a tubular shape as in Norman and yet enable the tubular shape to be deformable into an out of round shape as taught by Norman. Indeed, the concept of providing air channels seems contrary to Funger et al.'s intent to use as much used carpet material as possible to tackle the used carpet waste problem. A person of ordinary skill in the art of used carpet disposal would not find it obvious to modify Funger et al. by building construction panels of Norman.

While Zvi et al. envisions sandwiching plastic pieces 200 between wood veneer foils, it teaches that the outer surfaces of plastic pieces 200, as well as the inner surfaces of the two wood veneer foils 202 and 206 (col. 4 lines 20, 29-32), be softened by heating with RF radiation and that pressure be applied "to bond all the foregoing plastic materials into a single panel or board, or relatively flat shaped solid particles" (col. 4 lines 32-35). This gives "the appearance of virgin plastic material" (col. 4 line 37) with the 'bulk of its volume' "constituted of the reclaimed plastic materials" (col. 4 lines 38-39). In contrast, Norman shows how the bulk of the volume of the panel is air

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channels so the use of its Norman's tubes in Zvi et al. would frustrate the purposes for Zvi et al. to ensure that the bulk of the volume is constituted by reclaimed plastic materials and to give the appearance of virgin plastic. A person of ordinary skill in the art of plastic products would therefore not find it obvious to modify Zvi et al. by the building construction materials of Norman.

In addition, a person of ordinary skill in the art is only taught of one way to bind the wood veneer foils of Zvi et al. to plastic pieces, by applying RF radiation and applying pressure. Even if such a person were to substitute Zvi et al.'s plastic pieces for Normans tubes, such a person would find no teaching as to how to bind wood veneer foils to Normans tubes other than by applying Zvi et al.'s teaching to from a single panel or board, or relatively flat shaped solid articles in which the bulk of the volume is constituted by reclaimed plastic materials. As a consequence, Norman's air channels would disappear if its tubes were used instead of the plastic pieces of Zvi et al. and thus would not preserve air channels. Norman is silent about techniques for bonding wood veneer foils and thus a skilled artisan would be left to speculate as to what might or might not work.

In contrast to claims 39 and 40, none of the citations provide for ascertaining properties necessary to at least satisfy specific requirements suited for a particular kind of construction and then choosing and obtaining the particular kind of recycled or waste material accordingly so that multiple layers of strips together provide sufficient abrasion and mechanical resistance, insulation, flexibility, solidity, and memory properties to

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satisfy the specific requirements. Such is beneficial for customizing the panels to suit customer requirements.

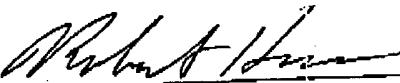
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The original application was filed with thirty-one claims. Twenty-five claims were canceled. Nine claims are added by this amendment. If warranted, a refund is requested of the excess claim fee paid previously (\$63) for seven total claims in the previously filed not-fully responsive amendment. Such excess fees are to be deposited to account no. 03-3839.

Respectfully submitted,

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By



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